United Nations CAT/C/VEN/Q/3-4

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
10 June 2014
English
Original: Spanish

Committee against Torture

List of issues in relation to the third and fourth periodic reports of the Bolivarian Republic of Venezuela*

Articles 1 and 4

1. Please provide information on planned measures to adopt a definition of torture that is compatible with article 1 of the Convention. In particular, please clarify whether the crime of torture as characterized in article 17 of the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman and Degrading Treatment (Torture Act) of 4 June 2013[1] applies to public officials who harm the physical, psychological or moral integrity of any person and not only of citizens in their custody. Please also state whether persons acting in an official capacity, at the instigation of, or with the consent or acquiescence of, public officials, can be prosecuted for the crime of torture. Please state whether attempts to commit torture are considered offences, as provided for in article 4, paragraph 1, of the Convention.

Article 2[2]

2. Please provide information about:

(a) Steps taken to guarantee, in law and in practice, that the rights enshrined in article 127 of the Code of Criminal Procedure are safeguarded from the moment a person is arrested, in view of information to the effect that, in the arrests made starting on 4 February 2014, those rights were denied until the court hearing took place. Please also describe the measures taken to safeguard in practice the right of persons of limited means to legal assistance as enshrined in the same article. Please detail the budgetary resources allocated

* Adopted by the Committee at its fifty-second session (28 April–23 May 2014).

[1] *Gaceta Oficial* No. 40212 of 22 July 2013.

[2] Questions relating to article 2 may also relate to other articles of the Convention, such as article 16. According to paragraph 3 of general comment No. 2 (2007), "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. ... In practice, the definitional threshold between ill-treatment and torture is often not clear". See also chapter V of the general comment.

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for that purpose, the number of requests received during the period under review, and the entity in charge of providing such aid;

(b) The legislative and policy measures in place to safeguard the rights of persons deprived of their liberty (i) to be informed of their rights; (ii) to promptly undergo an independent medical examination; and (iii) to apply to a court so that it may determine whether their detention is legal;

(c) The existence of official registers of detained persons, and the information contained in those registers; and

(d) The measures taken by the State party to ensure the safeguarding of the basic guarantees applying to persons deprived of their liberty by law enforcement officers, as well as sanctions applicable in case of violations.

3. Regarding paragraphs 51 to 53 and 73 to 86 of the periodic report, please describe the steps taken by the State to harmonize the various legislative measures concerning the crime of trafficking in persons.[3] Please clarify whether the crime of trafficking is punishable by law when the victim is male and the presumed perpetrator does not belong to an organized crime group.[4] Please also provide information about (a) progress in the adoption of the preliminary bill on the prevention and punishment of trafficking in persons and on assistance to victims; and (b) any other policy or administrative measures in place to prevent and combat trafficking in persons, identify victims and provide them with protection, comprehensive assistance and reparation.[5] Please also provide updated information, disaggregated by year and by the victims' sex, age and ethnic origin or nationality, on the number of complaints, indictments and prosecutions (specifying the offences), convictions and sentences handed down for the crime of trafficking, as well as the types of protection and compensation provided to victims during the period in question.

4. Please provide information on progress in the effective implementation of the Act on Women's Right to a Life Free from Violence of 19 March 2007. In that regard, please state what policies and awareness campaigns have been developed, to what extent they have been implemented, and the guidelines in place for prosecutors, police and other workers.[6] Please also provide information, for each year since the Act's adoption, on (a) the number of complaints received concerning acts of violence against women and girls, investigations of such complaints, sentences handed down and compensation provided to victims; (b) comprehensive assistance provided to victims, including legal assistance during court proceedings;[7] (c) the number of shelters for victims of violence and their occupation rates;[8] and (d) the number of protective measures provided out of the total requested.[9] Please clarify whether those provisions of the Criminal Code not in line with the Act have been repealed, such as article 393, which exempts a rapist from prosecution if he marries the victim.[10]

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[3] See Migration and Aliens Act, art. 53, Criminal Code, art. 173, Act on Women's Right to a Life Free from Violence, art. 56, and Organized Crime and Financing of Terrorism Act, art. 41.

[4] Ibid.

[5] A/HRC/19/12, paras. 94.28 and 94.29.

[6] See the final report of the Fourth Conference of States parties to the Mechanism to Follow up on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), 16 April 2012; A/HRC/19/12, para. 94.21.

[7] Ibid.

[8] Ibid.

[9] Ibid.; A/HRC/WG.6/12/VEN/3, para. 28.

[10] CAT/C/VEN/Q/4, para. 11; A/HRC/WG.6/12/VEN/3, para. 19.

5. Please provide information on the measures taken by the Ombudsman's Office to implement the recommendations issued in May 2013 by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), and specifically those recommending that the Ombudsman's Office should (a) be more active in fulfilling its mandate and take a clear public position regarding crucial national human rights issues; and (b) develop policies and procedures to ensure that the composition of its staff is broadly representative and pluralistic.[11] Please provide data disaggregated by year, and by the victims' age, sex and ethnic group, on the number of complaints of torture and ill-treatment received by the Ombudsman's Office during the period under review; on investigations conducted on its own initiative or upon request; and the results of such investigations.[12] Please state whether the Ombudsman's Office can make unannounced visits to prisons and how many such visits were conducted during the period in question, and describe any follow-up to recommendations resulting from such visits. Please provide to the Committee any special reports produced by the Ombudsman's Office on topics falling within the scope of the Convention. In this respect, please describe the role played by the Ombudsman's Office in the weapons search conducted in Uribana Prison on 25 January 2013, which led to the death of at least 60 of the prison's inmates.[13]

6. Given that the State party signed the Optional Protocol to the Convention in July 2011, and given its intention to ratify it,[14] as stated in paragraph 37 of the periodic report, please state what steps are being taken to ratify this instrument.

7. Please state whether the requirements for the future National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment provided for in articles 11 to 16 of the new Torture Act meet the criteria of independence, transparency and autonomy necessary for the proper execution of its functions. Please state how the functions of this body will dovetail with the future national preventive mechanism provided for in the Optional Protocol.

8. Regarding paragraph 60 of the periodic report, please provide information on the implementation of the Decree on the Reorganization of the Judiciary and the Penitentiary System and on how guarantees of judges' independence and their tenure in office have been strengthened.[15] In that connection, please provide information on (a) access to judicial service; (b) the rules governing judges' tenure and dismissal;[16] (c) the number of provisional and permanent judges; and (d) cases occurring during the period under review in which judges or other judicial workers were dismissed. Please also explain how the Organic Act on the Supreme Court establishes safeguards against interference by other branches.[17]

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[11] Report of the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), May 2013, pp. 25–26.

[12] Organic Act on the Ombudsman's Office of August 2004, art. 15.

[13] "Caso: Centro Penitenciario de la Región Centro Occidental (Uribana)" (Case of the Centre-West Regional (Uribana) Penitentiary), report of the Ombudsman's Office, p. 4.

[14] A/HRC/19/12, para. 93.4.

[15] CAT/C/VEN/Q/4, paras. 18 and 40.

[16] A/HRC/WG.6/12/VEN/3, para. 31; A/HRC/14/26/Add.1, pp. 163–176.

[17] CAT/C/VEN/Q/4, para. 40.

Article 3

9. Please provide data for the period under review, disaggregated by year, sex, country of origin and age, on:

(a) The number of asylum requests registered;

(b) The number of requests for asylum, refugee status or other forms of humanitarian protection that were granted, including, if applicable, the number of cases in which protection was granted in application of the principle of non-refoulement;

(c) The number of persons extradited or expelled and the countries to which they were expelled;

(d) The number of appeals against expulsion decisions on the basis that applicants might be in danger of being mistreated in their countries of origin, and the results of those appeals.

10. Please state whether asylum seekers have access to independent legal assistance free of charge during asylum proceedings, including the appeals process. Please also state:

(a) Whether an appeal against an expulsion decision has suspensive effect;

(b) Whether the State has established procedures with respect to asylum seekers that include an independent medical examination, including screening for any trauma or other sequelae, as well as procedures for identifying victims of sexual or gender-based violence.

11. With regard to paragraph 95 (d) of the periodic report, please specify, for the reporting period, the number of persons handed over by the State party on the basis of acceptance of diplomatic guarantees or the equivalent thereof, giving the reason why such assurances were required, as well as any cases in which the State party offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what arrangements for subsequent monitoring have been made in such cases?

Articles 5, 6, 7, 8 and 9

12. With regard to paragraph 101 of the periodic report, please say whether the State party:

(a) Has rejected any extradition requests made by other States with respect to persons suspected of having committed crimes of torture because it was deemed that the crimes were political offences or related offences;

(b) Has initiated court proceedings in those cases in which, for some reason, it has rejected an extradition request by another State with respect to a person suspected of having committed a crime of torture. If yes, please provide information about the situation and about the outcome of those proceedings.

13. Please provide information about any cases in which the State party agreed to extradite the presumed perpetrators of acts of torture or of related offences of attempted torture or complicity or participation in torture during the reporting period.

14. With regard to paragraph 117 of the periodic report, please state whether, in extradition treaties concluded with other States parties, the offences referred to in article 4 of the Convention are included as extraditable offences. With regard to paragraph 119 of the periodic report, please state whether the agreements on mutual assistance in criminal

matters mentioned there have in fact led to the sharing of evidence related to crimes of torture or ill-treatment. If so, please provide examples.

Article 10

15. With regard to the Committee's previous recommendations (para. 11 (d))[18] and the training provided by the State as part of the new policing model introduced via the Police Service and Bolivarian National Police Force Act of 2008,[19] as well as the training provided to prison staff,[20] please provide the Committee with any training manuals and procedural protocols. Please also state:

(a) Whether those programmes include specific training in the Convention's provisions, the principle of the use of force as a last resort, keeping in mind the principles of proportionality and necessity, and a gender perspective;

(b) The number of police officers who have undergone this training to date, in proportion to the total number of officers; plans to train the rest and the methodology developed to evaluate the effectiveness of such training; and whether the training is linked to academic institutions and civil society;

(c) Whether the National Armed Forces and the Bolivarian National Militia undergo such training, particularly given their frequent participation in enforcing public order,[21] especially since the adoption of the Secure Homeland plan.

16. Please state whether training programmes for judges, prosecutors, forensic physicians and psychologists, and medical staff caring for prisoners include specific training on the Convention's provisions and on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). If so, please describe the results of any evaluations of the impact of such programmes.

17. Please say whether the State party has provided training to immigration officials on the Convention, the provisions guaranteeing the right to asylum and refugee status, the Istanbul Protocol, and the identification of victims of trafficking or sexual offences. Please also describe any evaluations of the impact of such programmes and the percentage of officials who have participated in them.

Article 11

18. With regard to the Committee's previous recommendations (para. 11 (e)), please provide comparative data on the results of the assessments of the prison system conducted by the State in 2006 and 2011, and the current situation in prisons.[22] Please provide information on the New Penitentiary Regime, indicating whether that regime includes military instruction for prisoners. With respect to paragraph 152 (e) of the periodic report, please indicate the type of restrictions medium and maximum security prisoners are subject to. Specifically, please provide yearly data, disaggregated by place of detention, including police stations, on:

[18] The paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee (CAT/C/CR/29/2).

[19] CAT/C/VEN/3-4, paras. 141–145.

[20] Ibid., paras. 146–149.

[21] A/HRC/WG.6/12/VEN/3, para. 23; CAT/C/VEN/Q/4, para. 4.

[22] CAT/C/VEN/3-4, paras. 152 and 14 (i).

(a) The total prison capacity in relation to the prison population, in the light of data indicating an overpopulation of 231 per cent of capacity in March 2013,[23] and on work to maintain prisons and build new ones;[24]

(b) Sanitary conditions, ventilation and access to natural light in cells; access to water, food and medical aid,[25] especially in the prisons of the Lara State police (Polilara) in Barquisimeto and of Sotillo municipality in Anzoátegui State, and the headquarters of the Bolivarian Intelligence Service (SEBIN);

(c) Separation of convicted prisoners from others and of adult prisoners from minors, especially at police stations;

(d) The percentage of prisoners involved in work activities, with information as to whether the activities are voluntary and remunerated, and the percentage of prisoners undertaking studies.

19. Please provide updated information, including statistics disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees, including as a proportion of the total number of convicted prisoners, as well as yearly figures for the average and maximum duration of preventive detention.[26] Please provide information on the results of the measures outlined in paragraph 14 of the periodic report to reduce the backlog of cases and thus the excessive number of prisoners awaiting trial.[27] Please also state how these measures are compatible with the amendments made in 2012 to the Code of Criminal Procedure, which allow: (a) the extension of the time periods for imposing sentences other than imprisonment, and the presence of associated circumstances in order to grant such measures; and (b) the continued detention of an accused person for an indefinite period, despite a legal ruling ordering their release, when the Public Prosecution Service appeals the decision orally. In connection with paragraph 14 (h) of the periodic report, please indicate whether the public prosecutor's offices specializing in the prison system are hierarchically and institutionally subordinate to the prison system. Please also indicate in what respect those offices ensure that "the provisions of the Istanbul Protocol are implemented".

20. With regard to paragraph 151 of the periodic report, in which the State acknowledges that, given the mafia culture in prisons, "guaranteeing the rights of the prison population poses a significant challenge", please describe the measures taken to prevent acts of violence among prisoners and protect their personal integrity.[28] Please also describe the impact of the use of an access monitoring system[29] to combat the alleged widespread use of weapons and explosives by prisoners. Please provide information on the complaints received by the offices of the Attorney-General and the Ombudsman during the period under review — and the action taken on such complaints — concerning alleged cases of corrupt behaviour among prison workers, such as the alleged extortion of sums known as *causa* from inmates,[30] alleged acts of torture or mistreatment of prisoners, and allegedly negligent conduct in connection with violence among inmates, for example, in "arenas"

[23] A/HRC/WG.6/VEN/3, para. 25.

[24] A/HRC/19/12, paras. 93.5, 93.11, 93.12, 93.15.

[25] *Díaz Peña v. Venezuela*, Inter-American Court of Human Rights, judgement of 26 June 2012.

[26] CAT/C/VEN/Q/4, para. 3.

[27] Ibid.; A/HRC/19/12, para. 94.33.

[28] Inter-American Court of Human Rights, "Medidas provisionales con respecto a la Cárcel de Tocorón" (Provisional measures for Tocorón prison), 1 November 2010; A/HRC/19/12, para. 93.11.

[29] CAT/C/VEN/3-4, para. 152 (b).

[30] "Inter-American Commission on Human Rights deplores violent deaths in Venezuelan prison", press release, 16 June 2011.

(*coliseos*) where inmates allegedly fight each other in the presence of prison workers.[31] Please also provide official information on inmate deaths during deprivation of liberty during the reporting period, disaggregated by the deceased's sex, age and ethnic origin, the cause of death and the place of deprivation of liberty. Please provide detailed information on the outcome of investigations into such deaths. In particular, please provide information on any investigations into, and any disciplinary or criminal proceedings in connection with, the following:

(a) The acts of aggression, intimidation and rape, allegedly committed by a Government official, against Judge María Lourdes Afiuni during her detention and imprisonment, on 10 December 2009, as a result of her having ordered the conditional release of a person whose detention had been considered arbitrary by the Working Group on Arbitrary Detention;[32]

(b) The alleged acts of torture against inmates by the Immediate Response and Custody Task Force (GRIC) in the Capital Region correctional facility Yare III on 15 January 2014;

(c) The alleged mistreatment of women prisoners by officials at David Viloria prison;

(d) The clashes of 25 January 2013 following a search at the Centre-West Regional (Uribana) Penitentiary, which resulted in at least 60 dead and approximately 95 injured;[33]

(e) The clashes of 6 and 17 September 2013 in the Maracaibo (Sabaneta) National Prison, which left 16 dead and 5 injured;

(f) The riots of July 2012, after the announcement of a transfer of prisoners from the Andean Region Penitentiary Centre in Mérida, which resulted in 17 deaths;[34]

(g) The clashes of August 2012 in the Yare prison, which resulted in 26 dead and 43 injured;

(h) The violent deaths of 19 inmates in the Rodeo I Detention Centre in the State of Miranda on 12 June 2011;[35]

(i) The exchanges of fire between prisoners and police between 27 April and 17 May 2012 in the El Paraíso Re-education, Rehabilitation and Detention Centre (La Planta prison) in Caracas;[36]

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[31] "Inter-American Commission on Human Rights deplores acts of violence among inmates in Venezuelan prison", press release, 9 November 2010.

[32] Inter-American Commission on Human Rights, *Annual Report 2010*, p. 530; A/HRC/24/29, paras. 46–48.

[33] A/HRC/23/47/Add.5, p. 63, case No. VEN 2/2013; "Caso: Centro Penitenciario de la Región Centro Occidental (Uribana)", (Case of the Centre-West Regional (Uribana) Penitentiary), report of the Ombudsman's Office, p. 4.

[34] A/HRC/23/47/Add.5, p. 63, case No. VEN 5/2012.

[35] "Inter-American Commission on Human Rights deplores violent deaths in Venezuelan prison", press release, 16 June 2011; A/HRC/19/61/Add.4, p. 78.

[36] "Inter-American Commission on Human Rights concerned about security crisis at Venezuelan prison", press release, 22 May 2012.

(j) The violent deaths of five inmates in the Ciudad Bolivar National Prison (Vista Hermosa prison) and of two inmates in the Aragua Penitentiary Centre (Tocorón prison) between 30 January and 2 February 2011;[37]

(k) The mutiny in Villa Hermosa prison in the State of Bolivar in August 2009, in which eight inmates died and five were wounded;

(l) The clashes on 12 April and 4 May 2010 at the Western Penitentiary Centre in Táchira State.[38]

Articles 12 and 13

21. With regard to paragraphs 9 to 11, 56 and 161 of the periodic report and the Committee's previous recommendations (para. 11 (b)), please describe any concrete measures taken by the State to address the numerous complaints of acts of torture and abuse allegedly committed by State security agents. Please provide statistical data, disaggregated by the victims' sex and age, the type of offence and the geographical location, on the number of complaints of acts of torture or ill-treatment, attempts, complicity or participation in such acts, and killings or excessive use of force by (a) State security agents, including military personnel and "combat units" (*cuerpos de combatientes*);[39] (b) prison workers; and (c) armed civilian groups.[40] Please also describe any investigations, disciplinary and criminal proceedings, stays or dismissals of cases, convictions and criminal or disciplinary sanctions, and whether the officers under investigation were suspended during the investigation. How many investigations into cases of torture and ill-treatment resulted in ex officio prosecutions during the reporting period? Please also describe progress made in the reorganization and overhaul of the Scientific, Criminal and Forensic Investigation Unit (CICPC).[41] In particular, please provide information on the outcomes of investigations and disciplinary and/or criminal proceedings regarding:

(a) The killings between 1998 and 2013 of 10 members of the Barrios family, a beneficiary of provisional measures ordered by the Inter-American Court of Human Rights, at least 2 of which were found to be extrajudicial killings committed by police of the State of Aragua (Inter-American Court of Human Rights judgement, 24 November 2011);[42]

(b) The alleged torture of the following persons: José Francisco Matheus González on 1 March 2000 by a detail of the Zulia State Police in the city of Maracaibo; Johan Alexander Castillo at the headquarters of the Lara State CICPC on 15 April 2006 in Barquisimeto; Germán Armando Peña Gómez on 27 July 2008 by agents of the Metropolitan Police in the city of Caracas; and Adelso Peña Carrillo on 21 October 2010 in the CICPC prison in the city of Caracas;

(c) The mistreatment to which Daniel Antonio Núñez and his 16-year-old daughter, Francis Daniela Núñez Martínez, were subjected in January 2011, allegedly by

[37] "Inter-American Commission on Human Rights deplores violent deaths in prisons in Venezuela", press release, 9 February 2011.

[38] "Inter-American Commission on Human Rights regrets violent deaths in Venezuelan prison", press release, 7 May 2010.

[39] Approved in accordance with article 50 of the National Armed Forces Act.

[40] Such as Coordinadora Simón Bolivar, La Piedrita, Carapaica, Colectivo Montaraz, Tupamaros and Alexis Vive.

[41] Contribution of the Ombudsman's Office to the revision of the third and fourth periodic reports of the Bolivarian Republic of Venezuela on the implementation of the Convention against Torture, p. 8.

[42] "Inter-American Commission on Human Rights deplores murder in Venezuela of tenth member of the Barrios family, a beneficiary of provisional measures", press release, 29 May 2013.

officers of the criminal investigating police of Caracas, to force them to testify as witnesses to a shoot-out that had occurred near their home;

(d) The death threats made in February 2011 against the spouse and daughters of police officer Jonny Montoya, who denounced the growing corruption under the mandate of the former chief superintendent of the Caracas Municipal Police;

(e) The alleged torture of activist Luis Rafael Escobar Ugas while in police custody, on 19 March 2013 in Barcelona, in Anzoátegui State;

(f) The deaths of a mother and her daughter, and the injuries suffered by her other two daughters, in July 2013 when the car in which they were travelling was shot at by the Bolivarian National Guard;

(g) The assassination on 18 May 2010 of Elvis Mendoza Carvajal, a beneficiary of provisional measures ordered by the Inter-American Court of Human Rights, allegedly by the police of the State of Portuguesa;

(h) The cases of arbitrary detention and torture and ill-treatment of demonstrators on 15 and 16 April 2013, allegedly by members of the Bolivarian National Guard. Please also provide information on the results of the investigation into those events by the joint parliamentary commission;[43]

(i) The killing of Manuel Felipe Araujo Fuenmayor on 17 February 2009, allegedly by a police officer, and of workers José Javier Marcano Hurtado and Pedro Jesús Polito on 29 January 2009, allegedly by officials of the State of Anzoátegui;[44]

(j) The alleged arbitrary detention, involuntary internment and torture of Franklin Brito in a military hospital in December 2009.

(k) The alleged torture of Nehemías Etifaz Camacho Correa and Lisnardo Danielson Llorente García on 14 and 15 November 2012 by the Bolivarian National Guard;

(l) The alleged torture and ill-treatment of detainees by Bolivarian National Guard officers during the demonstrations that took place starting on 4 February 2014, among others Daniel Quintero, on 21 February 2014 in Maracaibo; Juan Manuel Carrasco, on 13 February in Valencia; José Alejandro Márquez, on 23 February; and Luis Alberto Gutiérrez Prieto, on 19 February in San Antonio de los Altos; and the beating given to Marvinia Jiménez on 24 February in Valencia.

22. Please provide information on the internal complaints system in place for persons deprived of their liberty, and on the measures taken to ensure that all complaints concerning torture and ill-treatment are investigated promptly and impartially by an independent body. In that regard, please clarify:

(a) How the State guarantees the confidentiality and independence of the system for complaints of torture and ill-treatment in cases where the victims are deprived of their liberty, and how it guarantees that such victims are protected from possible reprisals;

(b) Whether the Attorney-General's Office is obliged to open an ex officio investigation into cases where there is evidence of torture or ill-treatment, and to request a forensic medical examination of the victim in all cases. With regard to the provision of the Code of Criminal Procedure that enables the Public Prosecution Service to order a medical

[43] "Inter-American Commission on Human Rights urges the State of Venezuela to guarantee the rights of all persons under its jurisdiction", press release, 10 May 2013.

[44] CAT/C/VEN/Q/4, paras. 32 (a), 43.

examination of the accused,[45] indicate whether the person's prior consent is sought in all cases. Likewise, with regard to paragraph 150 of the periodic report, please clarify the role of the National Institute for Medicine and Forensic Sciences in interrogation procedures;

(c) How the independence of the Police Oversight Bureau (*Oficina de Control de Actuación Policial*), the Police Misconduct Response Bureau (*Oficina de Respuesta a las Desviaciones Policiales*) and the Police Disciplinary Council (*Consejo Disciplinario de Policía*) is guaranteed,[46] so that there is no hierarchical or institutional link between the suspected perpetrators of torture and the inspectors; which bodies are competent to intervene in cases involving evidence of torture or ill-treatment by police officials; and how they interact with the offices of the Attorney-General and the Ombudsman during the investigation;

(d) Which internal oversight bodies are competent to intervene where there is evidence of torture or ill-treatment by prison workers, how their independence is guaranteed, and how they interact with the offices of the Attorney-General and the Ombudsman in such cases.

Article 14

23. With regard to the Committee's previous recommendations (para. 11 (c)), please provide information, for the reporting period, about all the points mentioned in paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties. In particular, and in connection with the Torture Act, please provide information about:

(a) Protective measures available to victims of torture or ill-treatment and members of their families,[47] as provided for in article 6 of the Torture Act, and the coordination of those measures with the provisions of the Act on the Protection of Victims, Witnesses and Other Parties to Proceedings.[48] In connection with the latter, please state the number of protective measures that have been made available to victims of torture in connection with complaints and describe the findings of the evaluation by the State party of the effectiveness of such protection. With regard to paragraph 13 of the periodic report, please indicate whether the protection of victims is among the functions of the Victim Support Office. Please also state whether victims of torture have access to legal assistance;

(b) The public policies designed to implement article 10 of the Torture Act, on rehabilitation programmes and services, the resources allocated for that purpose, and the measures in place to evaluate the effectiveness of those programmes. Please also indicate progress on the creation of the National Victim Support Institute, as provided in the fifth component of the Great Venezuelan Life Mission. Please also provide information on any measures to provide assistance to torture victims immediately after the fact;

(c) Whether article 10 of the Torture Act recognizes the right of victims of torture or ill-treatment to a remedy and reparations. If it does not, please detail the measures available to victims to obtain reparations, including all criminal, civil, administrative and non-judicial measures, as well as information on the number of victims having made use of such measures, the number who have obtained reparations and related measures, the form that these took and their amount. Please also describe any measures to provide satisfaction

[45] CAT/C/VEN/3-4, footnote 34.
[46] Ibid., paras. 43–45.
[47] A/HRC/WG.6/VEN/3, para. 26.
[48] CAT/C/VEN/3-4, para. 173.

and any guarantees of non-repetition. Please clarify whether the right to receive compensation for torture or ill-treatment requires that a judgement be handed down in criminal proceedings in order for the compensation to be granted.

24. With regard to paragraphs 167 to 169 of the periodic report regarding the implementation of the Act to Punish Politically Motivated Crimes, Disappearances, Torture and Other Human Rights Violations in the Period 1958–1998, please describe the mechanisms for redress envisioned, the number of requests for compensation and rehabilitation submitted, the number granted, the amounts ordered and the amounts actually provided in each case. Please also describe the results of the investigations into the El Amparo and Caracazo killings as well as the trials and any punishments handed down.

Article 15

25. With regard to paragraphs 176 to 183 of the periodic report, please give examples of cases dismissed by courts owing to the presentation of evidence or testimony obtained through torture or ill-treatment.

Article 16

26. Please provide information about:

(a) The number of complaints, investigations, prosecutions, convictions and sentences imposed for (i) cases of bullying and school violence and physical punishment of children, and (ii) cases of sexual exploitation and forced labour since the adoption of the Child Protection Act in 2007;

(b) The policies and protective measures adopted,[49] the awareness campaigns and training conducted, and specialized forensic units and protocols created in relation to these cases, in all areas.

27. Please describe the measures in place to prevent attacks against persons who publicly disagree with official policies, such as union activists, opposition members, demonstrators,[50] journalists and members of indigenous and campesino communities, and to protect their life and physical integrity.[51] Please also provide information about the number of complaints, disaggregated by offence, and on indictments, prosecutions, convictions and punishments handed down during the period under review for threats and attacks against these groups and excessive use of force in dispersing gatherings, specifying when the alleged perpetrator is a State actor or a member of a "combat unit" or an armed civilian group. In that connection, please provide information about the outcomes of investigations into the following cases:

(a) The killing on 26 November 2013 of José Chirinos, a candidate for the town council in Baralt municipality in the State of Zulia;

[49] A/HRC/WG.6/12/VEN/3, para. 29.

[50] Ibid., paras. 35 and 45.

[51] Ibid., para. 73; CAT/C/VEN/Q/4, para. 43; Inter-American Commission on Human Rights, "Democracy and human rights in Venezuela", December 2009, para. 1116.

(b) The threats received on 18 March 2013 by the journalist Rayma Suprani, and the acts of harassment and threats against staff members of Globovisión, such as the one perpetrated in its offices, allegedly by military personnel, in August 2009;[52]

(c) The killings of union leader Jerry Díaz on 25 April 2010 and union leaders Ricardo Gallardo, José Requena and Luis Hernández in 2008;[53]

(d) The alleged disproportionate use of force, firearms, shot and tear gas by State security forces in containing the demonstrations that began on 4 February 2014, as well as the alleged attacks by armed civilian groups during the demonstrations,[54] and the reaction of the security forces and the police to those alleged attacks, resulting in at least 37 dead and more than 550 injured;

(e) The attacks, threats and harassment inflicted on journalists, allegedly by members of the security forces, armed groups and demonstrators, as they covered the protests that began on 4 February 2014;

(f) Acts of repression and intimidation, with the alleged support of the National Guard, against members of the Yukpa community — notably the murder of Chief Sabino Romero[55] and the attack on his son, Silverio Romero, on 3 January 2014 — and against the Chaktapa and Guamo communities.[56]

28. Regarding cases of reprisals and attacks on human rights defenders working to defend victims of torture and ill-treatment,[57] please describe the measures ordered for their protection and the number of complaints received, investigations, prosecutions, convictions and sentences imposed in connection with these allegations. In particular, please provide information on any investigations into the following cases, and any related disciplinary or criminal proceedings:

(a) The death of human rights defender Mijail Martínez on 26 November 2009 in Barquisimeto, in Lara State,[58] and the attacks and threats against his father, Víctor Martínez, in June 2010 and January 2012, allegedly for distributing leaflets about his son's death;

(b) The threats received by Humberto Prado Sifontes, director of the Venezuelan Prisons Observatory, in June 2011 and May 2012,[59] and the abduction of the husband of Marianela Sánchez Ortiz, an activist with the Observatory, in May 2012;[60]

(c) The threats received by Rocío San Miguel in May 2010.

29. With regard to the Committee's previous recommendations (para. 10 (d)), and in the light of information indicating an increase in crimes against persons because of their sexual orientation or gender identity, and given the lack of information about the status of investigations in more than 90 per cent of the documented cases, please provide information about (a) the steps taken to prevent killings, attacks and threats directed against

[52] A/HRC/16/44/Add.1, p. 337.
[53] CAT/C/VEN/Q/4, paras. 32 (a), 43.
[54] "Inter-American Commission on Human Rights expresses deep concern over acts of violence in Venezuela and urges the State to ensure democratic citizen security", 14 February 2014.
[55] A/HRC/24/41/Add.4, p. 44.
[56] CAT/C/VEN/Q/4, para. 43; Inter-American Commission on Human Rights, "Democracy and human rights in Venezuela", December 2009, para. 1116; A/HRC/13/39/Add.1, p. 403.
[57] A/HRC/WG.6/12/VEN/3, para. 26.
[58] A/HRC/14/24/Add.1, pp. 344–345.
[59] A/HRC/23/47/Add.5, p. 62, case No. VEN 4/2012.
[60] Ibid.

this group,[61] and (b) the number of complaints, indictments, prosecutions, convictions and punishments handed down for such crimes during the period under review.

30. Please describe the steps taken by the State to address the high homicide rate among the population and at the hands of law enforcement officials. Please provide yearly data on the number of cases identified and the number of prosecutions and convictions, specifying when the alleged perpetrator is a State agent.[62] In this context, please state whether the new Act on Disarmament and Arms and Munitions Control of 17 June 2013 has been implemented and what measures for the registration of all weapons and ammunition have been adopted. Please also describe the measures adopted to disarm, dismantle and investigate armed civilian groups and "combat units", which are supposed to maintain public order.[63]

Other issues

31. Please report on the status of compliance with decisions of this Committee and Views of the Human Rights Committee, and rulings of the Inter-American Court of Human Rights, in which the State's responsibility has been established. Please provide information on the State's intention to reconsider its position on withdrawing from the American Convention on Human Rights, as recommended by the Committee on the Elimination of Racial Discrimination.[64]

32. Please indicate whether the State intends to grant the request for an invitation submitted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2011.[65]

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[61] A/HRC/19/12, para. 94.11.

[62] A/HRC/WG.6/12/VEN/3, paras. 5 and 22; CAT/C/VEN/Q/4, para. 9; A/HRC/19/12, paras. 93.9 and 94.3.

[63] Inter-American Commission on Human Rights, *Annual Report 2010*, pp. 545–546.

[64] CERD/C/VEN/CO/19–21, para. 23.

[65] A/HRC/19/12, paras. 94.19 and 94.20.